REPORT OF THE *AD HOC* COMMITTEE OF THE WHOLE OF THE SIXTEENTH SPECIAL SESSION

GENERAL ASSEMBLY

OFFICIAL RECORDS: SIXTEENTH SPECIAL SESSION

SUPPLEMENT No. 1 (A/S-16/4)

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[Original: English]

[12 February 1990]

Report of the Ad Hoc Committee of the Whole of the Sixteenth Special Session

1. At the 1st plenary meeting of the sixteenth special session of the General Assembly, on 12 December 1989, the Assembly, in accordance with its decision 44/4C8 of 13 November 1989, established an Ad Hoc Committee of the Whole of the Sixteenth Special Session and elected by acclamation Dame Ann Hercus (New Zealand) as Chairman of the Ad Hoc Committee.

2. At its 1st meeting, on the same day, the Ad Hoc Committee elected by acclamation Colonel Moumouni A. Djermakoye (Niger), Dame Ruth Nita Barrow (Barbados) and Mr. Robert F. Van Lierop (Vanuatu) as Vice-Chairpersons, and Mr. Gerhard Richter (German Democratic Republic) as Rapporteur.

3. In connection with the consideration of the question of apartheid and its destructive consequences in southern Africa, the Ad Hoc Committee had before it a working paper submitted by the Bureau of the Special Committee against Apartheid, in co-operation with the front-line States. It contained the draft declaration on the subject which was introduced by the Acting Chairman of the Special Committee against Apartheid, Mr. Guennadi I. Oudovenko (Ukrainian Soviet Socialist Republic).

4. At its 2nd and 3rd meetings, on 12 and 13 December 1989, the Ad Hoc Committee heard the following representatives of non-governmental organizations and individuals:

(a) Mrs. Lisbet Palme, Swedish Committee on the United Nations Children's Fund;

(b) Mr. Jay Naidoo, General Secretary, Congress of South African Trade Unions;

(c) The Honourable Howard Wolpe, Congressman, Chairman of the Sub-Committee for Africa of the House of Representatives of the Congress of the United States of America;

(d) Professor Daniel Abibi, President, African Anti-Apartheid Committee;

(e) Mr. Salvatore Marzullo, Chairman, Task Force on South Africa of the International Chamber of Commerce;

(f) Mr. Joern Risse, Norwegian Council for Southern Africa;

(g) Mr. Nouri Abdul Razzak, Secretary-General, Afro-Asian People's Solidarity Organization;

(h) Mr. Andrew Kailembo, Head of the African Department of the International Confederation of Free Trade Unions;

(i) Mr. Andrei Urnov, Member of the Presidium of the Soviet Afro-Asian Solidarity Committee;

(j) Trevor Richards, Director of the New Zealand Anti-Apartheid Monitor;

(k) The Honourable David Dinkins, Manhattan Borough President and Mayor-elect of New York City;

(l) The Reverend Mr. Allan Boesak, President of the World Alliance of Reformed Churches and Co-President of the United Democratic Front;

(m) Mr. Max Coleman, Representative of the Human Rights Commission of South Africa;

(n) Mr. Robert Hughes, Chairman of the British Anti-Apartheid Movement;

(o) Mr. William Howard, President of the American Committee on Africa;

(p) Mr. Charles Henry, Member of the Executive Committee of Amnesty International;

(q) Mrs. Rose Styron, Member of the Executive Board of the Foundation Danielle Mitterrand;

(r) Mr. Gora Ebrahim, Secretary for Foreign Affairs of the Pan Africanist Congress of Azania;

(s) Mr. Enuga S. Reddy, Senior Fellow of the United Nations Institute for Training and Research.

5. At its 4th meeting, on 13 December 1989, the Ad Hoc Committee had an exchange of views on the draft Declaration. Statements were made by representatives of the United States of America, the Syrian Arab Republic, the Libyan Arab Jamahiriya, Tunisia, the Philippines, the Islamic Republic of Iran and France (on behalf of the Twelve member States of the European Community).

6. At its 5th meeting, on 14 December 1989, the Ad Hoc Committee considered its report, including the draft declaration. It adopted the report by consensus and authorized the Rapporteur to submit it directly to the General Assembly.

7. The Committee heard statements by the representatives of the African National Congress, the Pan Africanist Congress of Azania, the German Democratic Republic, Haiti, Nigeria and France (on behalf of the 12 member States of the European Community).

8. In its report, the Ad Hoc Committee recommends to the General Assembly the adoption of the draft resolution to which is annexed the Declaration on Apartheid and its Destructive Consequences in Southern Africa (see para. 10 below).

9. The Committee also recommends to the General Assembly the adoption of the draft decision on the policies of apartheid of the Government of South Africa (see para. 11 below).

Recommendations

10. The Ad Hoc Committee recommends to the General Assembly the adoption of the following draft resolution:

Declaration on Apartheid and its Destructive Consequences in Southern Africa

The General Assembly

Adopts the Declaration on Apartheid and its Destructive Consequences in Southern Africa, annexed to the present resolution.

ANNEX

Declaration on Apartheid and its Destructive Consequences in Southern Africa

We, the States Members of the United Nations,

Assembled at the sixteenth special session of the General Assembly, a special session on apartheid and its destructive consequences in southern Africa, guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, a/ in the context of our efforts to establish peace throughout the world by ending all conflicts through negotiations, and desirous of making serious efforts to bring an end to the unacceptable situation prevailing in southern Africa, which is a result of the policies and practices of apartheid, through negotiations based on the principle of justice and peace for all:

Reaffirming our conviction, which history confirms, that where colonial and racial domination or apartheid exist, there can be neither peace nor justice,

Reiterating, accordingly, that while the apartheid system in South Africa persists, the peoples of Africa as a whole cannot achieve the fundamental objectives of justice, human dignity and peace which are both crucial in themselves and fundamental to the stability and development of the continent,

Recognizing that, with regard to southern Africa, the entire world is vitally interested that the processes in which that region is involved, leading to the genuine national independence of Namibia and peace in Angola and Mozambique, should succeed in the shortest possible time, and equally recognizing that the world is deeply concerned that destabilization by South Africa of the countries of the region, whether through direct aggression, sponsorship of surrogates, economic subversion or other means, is unacceptable in all its forms and must not occur,

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a/ Resolution 217 A (III).

Also recognizing the reality that permanent peace and stability in southern Africa can only be achieved when the system of apartheid in South Africa has been eradicated and South Africa has been transformed into a united, democratic and non-racial country, and therefore reiterating that all the necessary measures should be adopted now to bring a speedy end to the apartheid system in the interest of all the people of southern Africa, the continent and the world at large,

Believing that, as a result of the legitimate struggle of the South African people for the elimination of apartheid, and of international pressure against that system, as well as global efforts to resolve regional conflicts, possibilities exist for further movement towards the resolution of the problems facing the people of South Africa,

Reaffirming the right of all peoples, including the people of South Africa, to determine their own destiny and to work out for themselves the institutions and the system of government under which they will, by general consent, live and work together to build a harmonious society, and remaining committed to doing everything possible and necessary to assist the people of South Africa, in such ways as they may, through their genuine representatives, determine to achieve this objective,

Making these commitments because we believe that all people are equal and have equal rights to human dignity and respect, regardless of colour, race, sex or creed, that all men and women have the right and duty to participate in their own government, as equal members of society, and that no individual or group of individuals has any right to govern others without their democratic consent, and reiterating that the apartheid system violates all these fundamental and universal principles,

Affirming that apartheid, characterized as a crime against the conscience and dignity of mankind, is responsible for the death of countless numbers of people in South Africa, has sought to dehumanize entire peoples and has imposed a brutal war on the region of southern Africa, which has resulted in untold loss of life, destruction of property and massive displacement of innocent men, women and children and which is a scourge and affront to humanity that must be fought and eradicated in its totality,

Therefore we support and continue to support all those in South Africa who pursue this noble objective. We believe this to be our duty, carried out in the interest of all humanity,

While extending this support to those who strive for a non-racial and democratic society in South Africa, a point on which no compromise is possible, we have repeatedly expressed our objective of a solution arrived at by peaceful means; we note that the people of South Africa, and their liberation movements who felt compelled to take up arms, have also upheld their preference for this position for many decades and continue to do so,

Welcoming the Declaration of the Ad Hoc Committee on Southern Africa on the Question of South Africa of the Organization of African Unity, adopted at

Harare on 21 August 1989, b/ and subsequently endorsed by the Heads of State or Government of the Movement of Non-Aligned Countries at their Ninth Conference, held at Belgrade from 4 to 7 September 1989, c/ as a reaffirmation of readiness to resolve the problems of South Africa through negotiations. The Declaration is consistent with the positions contained in the Lusaka Manifesto on Southern Africa d/ of two decades ago, in particular regarding the preference of the African people for peaceful change, and takes into account the changes that have taken place in southern Africa since then. The Declaration constitutes a new challenge to the Pretoria régime to join in the noble efforts to end the apartheid system, an objective to which the United Nations has always been committed,

Noting with appreciation that the Commonwealth Heads of Government, in the Kuala Lumpur Statement on Southern Africa adopted at the meeting held from 18 to 24 October 1989, noted with satisfaction the strong preference for the path of negotiated and peaceful settlement inherent in the Declaration adopted at Harare on 21 August 1989, and considered what further steps they might take to advance the prospects for negotiations, e/

Also noting with appreciation that the Third Francophone Conference of Heads of State and Government, held at Dakar from 24 to 26 May 1989, likewise called for negotiations between Pretoria and representatives of the majority of the people with a view to the establishment of a democratic and egalitarian system in South Africa,

Consequently, we shall continue to do everything in our power to increase support for the legitimate struggle of the South African people, including maintaining international pressure against the system of apartheid until that system is ended and South Africa is transformed into a united, democratic and non-racial country, with justice and security for all its citizens,

In keeping with this solemn resolve, and responding directly to the wishes of the majority of the people of South Africa, we publicly pledge ourselves to the positions contained hereunder, convinced that their implementation will lead to a speedy end of the apartheid system and heralding the dawn of a new era of peace for all the peoples of Africa, in a continent finally free from racism, white minority rule and colonial domination,

Declare as follows:

1. A conjuncture of circumstances exists, which, if there is a demonstrable readiness on the part of the South African régime to engage in negotiations

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b/ A/44/697, annex.

c/ See A/44/551-S/20870, annex.

d/ See Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 106, document A/7754.

e/ See A/44/672-S/20914, annex, para. 5.

genuinely and seriously, given the repeated expression of the majority of the people of South Africa of their long-standing preference to arrive at a political settlement, could create the possibility to end apartheid through negotiations.

2. We would therefore encourage the people of South Africa, as part of their legitimate struggle, to join together to negotiate an end to the apartheid system and agree on all the measures that are necessary to transform their country into a non-racial democracy. We support the position held by the majority of the people of South Africa that those objectives, and not the amendment or reform of the apartheid system, should be the goals of the negotiations.

3. We are at one with the people of South Africa that the outcome of such a process should be a new constitutional order determined by them and based on the Charter of the United Nations and the Universal Declaration of Human Rights. We therefore hold the following fundamental principles to be of importance:

(a) South Africa shall become a united, non-racial and democratic State;

(b) All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed;

(c) All its people shall have the right to participate in the government and administration of the country on the basis of universal, equal suffrage, under a non-racial voters' roll, and by secret ballot, in a united and non-fragmented South Africa;

(d) All shall have the right to form and join any political party of their choice, provided that this is not in furtherance of racism;

(e) All shall enjoy universally recognized human rights, freedoms and civil liberties, protected under an entrenched bill of rights;

(f) South Africa shall have a legal system that will guarantee equality of all before the law;

(g) South Africa shall have an independent and non-racial judiciary;

(h) There shall be created an economic order that will promote and advance the well-being of all South Africans;

(i) A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all peoples.

4. We believe that acceptance of these fundamental principles could constitute the basis for an internationally acceptable solution that will enable South Africa to take its rightful place as an equal partner among the world community of nations.

A. Climate for negotiations

5. We believe that it is essential that the necessary climate be created for negotiations. There is an urgent need to respond positively to this universally acclaimed demand and thus create this climate.

6. Accordingly, the present South African régime should, at the least:

(a) Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them;

(b) Lift all bans and restrictions on all proscribed and restricted organizations and persons;

(c) Remove all troops from the townships;

(d) End the state of emergency and repeal all legislation, such as the Internal Security Act, designed to circumscribe political activity;

(e) Cease all political trials and political executions.

7. These measures would help create the necessary climate in which free political discussion can take place - an essential condition to ensure that the people themselves participate in the process of remaking their country.

B. Guidelines to the process of negotiations

8. We are of the view that the parties concerned should, in the context of the necessary climate, negotiate the future of their country and its people in good faith and in an atmosphere which, by mutual agreement between the liberation movements and the South African régime, would be free of violence. The process could commence along the following guidelines:

(a) Agreement on the mechanism for the drawing up of a new constitution, based on, among others, the principles enunciated above, and the basis for its adoption;

(b) Agreement on the role to be played by the international community in ensuring a successful transition to a democratic order;

(c) Agreed transitional arrangements and modalities for the process of the drawing up and adoption of a new constitution, and for the transition to a democratic order, including the holding of elections.

C. Programme of action

9. In pursuance of the objectives stated in this Declaration, we hereby decide:

(a) To remain seized of the issue of a political resolution of the South African question;

(b) To step up all-round support for the opponents of apartheid and to campaign internationally in pursuance of this objective;

(c) To use concerted and effective measures, including the full observance by all countries of the mandatory arms embargo, aimed at applying pressure to ensure a speedy end to apartheid;

(d) To ensure that the international community does not relax existing measures aimed at encouraging the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration;

(e) To render all possible assistance to the front-line and neighbouring States to enable them: to rebuild their economies, which have been adversely affected by South Africa's acts of aggression and destabilization; to withstand any further such acts; and to continue to support the peoples of Namibia and South Africa;

(f) To extend such assistance to the Governments of Angola and Mozambique as they may request in order to secure peace for their peoples, and to encourage and support peace initiatives undertaken by the Governments of Angola and Mozambique aimed at bringing about peace and normalization of life in their countries;

(g) The new South Africa shall, upon adoption of the new constitution, participate fully in relevant organs and specialized agencies of the United Nations.

10. We request the Secretary-General to transmit copies of the present Declaration to the Government of South Africa and the representatives of the oppressed people of South Africa, and to prepare a report for submission to the General Assembly by 1 July 1990 on the progress made in the implementation of the present Declaration.

11. The Ad Hoc Committee also recommends to the General Assembly the adoption of the following draft decision:

Policies of apartheid of the Government of South Africa

The General Assembly

Decides that item 28 of the agenda of its forty-fourth session, entitled "Policies of apartheid of the Government of South Africa", should be reopened in order for the Assembly to resume its session to consider the report of the Secretary-General and any such action as may be required.

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